

**MONDAY, MAY 12, 1997**

**FORTY-FIRST LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Don Allison, Spring City United Methodist Church, Spring City, Tennessee.

Representative Walker led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 132:** Rep(s). Hargrove as prime sponsor(s).

**House Joint Resolution No. 219:** Rep(s). Naifeh as prime sponsor(s).

**House Bill No. 381:** Rep(s). Givens, Fraley, Boyer and Mumpower as prime sponsor(s).

**House Bill No. 1362:** Rep(s). Ford as prime sponsor(s).

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**House Bill No. 1480:** Rep(s). U. Jones as first prime sponsor(s).

**House Bill No. 1633:** Rep(s). Brooks as prime sponsor(s).

**House Bill No. 1660:** Rep(s). Clabough, Armstrong, Pruitt, Langster, Turner (Hamilton), Stulce, Eckles, White, McAfee, McDaniel, Kerr, Goins, Newton, Haley, Bird, Maddox, Givens, Mumpower, Fitzhugh, Godsey, Kent, Cole (Carter), Pinion and Sands as prime sponsor(s).

**House Bill No. 1964:** Rep(s). Roach, Davis, Bowers and Turner (Hamilton) as prime sponsor(s).

**MESSAGE FROM THE SENATE**

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MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 223, 252, 253, 254 and 255; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 223** -- General Assembly, Studies - Creates special joint committee to study improving citizen participation in environmental decisions made by state. by \*Haynes.

**Senate Joint Resolution No. 252** -- Memorials, Academic Achievement - Shanna Harris, Valedictorian, Greenbrier High School. by \*Graves.

**Senate Joint Resolution No. 253** -- Memorials, Public Service - Carolyn Lea Wilson and students of Family and Consumer Science Class at E.B. Wilson High School. by \*Graves, \*Carter.

**Senate Joint Resolution No. 254** -- Memorials, Academic Achievement - Christina King, Salutatorian, Greenbrier High School. by \*Graves.

**Senate Joint Resolution No. 255** -- Memorials, Academic Achievement - Natalie Ann Kilgore, Valedictorian, Greenbrier High School. by \*Graves.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 14, 1997:

**House Resolution No. 77** -- Memorials, Interns - John B. Scarbrough. by \*Rinks.

**House Joint Resolution No. 272** -- Memorials, Retirement - James W. Jonakin. by \*Hargett, \*Pleasant, \*Haley.

**House Joint Resolution No. 282** -- Memorials, Retirement - Glenda Todd. by \*Lewis, \*Fraleigh.

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**House Joint Resolution No. 284** -- Memorials, Sports - Angelo Giansante, TSSAA state wrestling champion. by \*Beavers.

**House Joint Resolution No. 285** -- Memorials, Interns - Brian Roger Carroll. by \*Boyer.

**House Joint Resolution No. 286** -- Memorials, Public Service - Celia Ambrester. by \*Cross, \*Goins.

**House Joint Resolution No. 289** -- Memorials, Professional Achievement - Doyle Gaines, Tennessee Retired Educator of the Year. by \*Winningham, \*Buck.

**House Joint Resolution No. 290** -- Memorials, Retirement - Judge H. Ted Milburn. by \*McAfee, \*Wood, \*Stulce, \*Sharp, \*Turner (Hamilton), \*Brown.

**House Joint Resolution No. 291** -- Memorials, Academic Achievement - Brandi Fox, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 292** -- Memorials, Academic Achievement - Heather Campbell, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 293** -- Memorials, Academic Achievement - Andi Johnson, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 294** -- Memorials, Academic Achievement - Amanda Loy, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 295** -- Memorials, Academic Achievement - Paul Merritt, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 296** -- Memorials, Personal Achievement - Leon and Joyce Biles, Gold Pyramid Award nominees. by \*Armstrong.

**House Joint Resolution No. 297** -- Memorials, Public Service - John T. Williams. by \*Scroggs, \*Kent, \*Hassell, \*Haley, \*Hargett, \*Pleasant.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 14, 1997:

**Senate Joint Resolution No. 252** -- Memorials, Academic Achievement - Shanna Harris, Valedictorian, Greenbrier High School. by \*Graves.

**Senate Joint Resolution No. 253** -- Memorials, Public Service - Carolyn Lea Wilson and students of Family and Consumer Science Class at E.B. Wilson High School. by \*Graves, \*Carter.

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**Senate Joint Resolution No. 254** -- Memorials, Academic Achievement - Christina King, Salutatorian, Greenbrier High School. by \*Graves.

**Senate Joint Resolution No. 255** -- Memorials, Academic Achievement - Natalie Ann Kilgore, Valedictorian, Greenbrier High School. by \*Graves.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 1986** -- Criminal Procedure - Imposes administrative fee to be assessed at time of appointment of counsel to represent indigent adult or child charged with criminal conduct; provides for adjustment and collection of such fee. Amends TCA Title 37, Chapter 1; Title 40, Chapter 14 and Title 40, Chapter 35. by \*Hargrove.

**House Bill No. 1998** -- Monroe County - Subject to local approval, authorizes imposition of litigation fee to fund law library commission. by \*McKee, \*Gunnels.

**House Bill No. 1999** -- Humboldt - Subject to local approval, revises salary of aldermen. Amends Chapter 253 of the Private Acts of 1978; as amended. by \*Phelan.

**House Bill No. 2000** -- Hornbeak - Subject to local approval, rewrites charter. Repeals Chapter 692, Private Acts of 1923, as amended. by \*Pinion.

**House Bill No. 2001** -- Byrdstown - Subject to local approval, rewrites charter. Amends Chapter 815 of the Private Acts of 1917, and all acts amendatory thereto. by \*Winningham.

**SENATE BILLS ON FIRST CONSIDERATION**

On motion, the bills listed were introduced and passed first consideration:

**Senate Bill No. 1714** -- State Employees - Revises provisions for public and university employee insurance. Amends TCA Title 27, Chapter 8. by \*Atchley. (\*HB1519)

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 695** -- Hazardous Materials - Prohibits locating hazardous waste facility less than 1,500 feet from residential, day care, church, park or school property; includes location of hazardous waste facilities to areas which the board oversees. Amends TCA Title 68, Chapter 212. by \*Dixon, \*Gilbert, \*Harper. (HB1061)

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**\*Senate Bill No. 765** -- Pensions and Retirement Benefits - Makes state pension moneys, certain retirement plan funds or assets subject to claims of domestic courts. Amends TCA Title 8, Chapter 36 and Title 26, Chapter 2. by \*Atchley. (HB1064)

**Senate Bill No. 1073** -- Motor Vehicles, Titling and Registration - Authorizes county clerks to provide county name strip to county residents purchasing vehicle out of county of residence. Amends TCA Title 55. by \*Haynes. (\*HB449)

**\*Senate Bill No. 1343** -- Drugs - Authorizes physicians to prescribe fenfluramine, its salts and isomers, and phentermine for medically accepted purposes. Amends TCA Title 39, Chapter 17, Part 4 and Title 63, Chapter 6, Part 2. by \*Cooper, \*Gilbert, \*Koella, \*Atchley, \*Cohen, \*Miller J. (HB1362)

**\*Senate Bill No. 1718** -- Privacy, Confidentiality - Makes confidential communications related to certain mental health intervention techniques using group setting. Amends TCA Title 10; Title 33 and Title 63. by \*Kyle. (HB1591)

**\*Senate Bill No. 1756** -- Criminal Procedure - Encourages supreme court to permit, in appropriate cases, use of videotape equipment and recordings during preliminary stages preceding trial for any criminal offense. Amends TCA Title 16 and Title 40. by \*Ramsey. (HB1647)

**\*Senate Bill No. 1783** -- Disabled Persons - Revises provisions relative to disabled drivers, passengers and volunteers enforcing disabled parking privileges. Amends TCA Title 55, Chapter 21. by \*Jordan. (HB1731)

**Senate Bill No. 1944** -- Taxes, Sales - Restates public policy justification for commissioner of revenue's expenditures for sales and use taxes enforcement. Amends TCA Title 67, Chapter 6. by \*McNally, \*Atchley, \*Elsa, \*Leatherwood, \*Crowe. (\*HB1828)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1997** -- Tipton County -- Local Bill Held on House Desk

**CONSENT CALENDAR**

**\*House Bill No. 184** -- Sunset Laws - Tennessee Ocoee development agency, June 30, 1999. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 9. by \*Kernell, \*Garrett, \*Brooks. (SB85 by \*Springer)

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**House Bill No. 432** -- Taxes, Inheritance Gift - Authorizes residuary beneficiaries of estate and beneficiaries of trust to inspect tax return of such estate or trust. Amends TCA Title 67, by \*Fowlkes. (\*SB431 by \*Fowler)

On motion, House Bill No. 432 was made to conform with **Senate Bill No. 431**; the Senate Bill was substituted for the House Bill.

**House Bill No. 433** -- Trusts - Sets out powers of and limitations upon trustee-beneficiaries of trusts. Amends TCA Title 35, by \*Fowlkes. (\*SB432 by \*Fowler)

**\*House Bill No. 438** -- General Assembly, Studies - Extends reporting deadline for character education study commission from February 1, 1997 to February 1, 1998; extends sunset date from July 1, 1997 to July 1, 1998. Amends TCA Title 49, Chapter 6, and Chapter 975 of the Public Acts of 1996, by \*Fowlkes, \*McDonald. (SB815 by \*Burks, \*Williams)

On motion, House Bill No. 438 was made to conform with **Senate Bill No. 815**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1015** -- Benton County - Subject to local approval, authorizes severance tax on pulpwood, by \*Tidwell. (\*SB1281 by \*Herron)

**House Bill No. 1315** -- Municipal Government - Removes cities from five year average maintenance of effort requirement for eligibility to receive share of local gas tax revenues. Amends TCA Section 67-3-617(d), by \*Fowlkes, \*Kent, \*Hargett, \*West, \*Jones U (Shelby), \*Tindell, \*Pruitt, \*Langster. (\*SB265 by \*Womack)

**House Bill No. 1362** -- Drugs - Authorizes physicians to prescribe fenfluramine, its salts and isomers, and phentermine for medically accepted purposes. Amends TCA Title 39, Chapter 17, Part 4 and Title 63, Chapter 6, Part 2, by \*DeBerry L, \*Bowers, \*Armstrong, \*McDaniel, \*Patton, \*Walley, \*Boyer, \*Clabough, \*DeBerry J, \*Pruitt, \*Davis R, \*Burchett, \*Givens. (\*SB1343 by \*Cooper, \*Gilbert, \*Koella, \*Atchley, \*Cohen, \*Miller J)

**House Bill No. 1469** -- Financial Disclosure - Clarifies independent candidates must file disclosures at same time as other candidates for state or local office. Amends TCA Title 2, Chapter 10, Part 1, by \*Jones U (Shelby), \*DeBerry J, \*Miller L, \*Pleasant, \*Brooks. (\*SB892 by \*Dixon)

**House Bill No. 1470** -- Election Laws - Permits county election commission to have paper ballots counted by central absentee counting board. Amends TCA Section 2-7-131, by \*Jones U (Shelby), \*DeBerry J, \*Turner (Shelby), \*Cooper B, \*Towns, \*Brooks. (\*SB886 by \*Dixon)

**House Bill No. 1601** -- Insurance, Health, Accident - Adds dentistry to list of services for which benefits may be assigned. Amends TCA Section 56-7-120, by \*McDaniel, \*Phelan, \*Fraley, \*Bittle. (\*SB383 by \*Atchley)

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On motion, House Bill No. 1601 was made to conform with **Senate Bill No. 383**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1633** -- Textbooks - Directs textbook commission, in recommending social studies and history textbooks, to strive to recommend textbooks which accurately and comprehensively portray full range of diversity and achievement of racial and ethnic minorities. Amends TCA Section 49-6-2202. by \*DeBerry J, \*Armstrong, \*Pruitt, \*Towns, \*Jones U (Shelby), \*Miller L, \*Cooper B, \*Turner (Shelby), \*Bowers, \*DeBerry L. (\*SB1645 by \*Ford J, \*Dixon)

**House Bill No. 1638** -- Municipal Government - Adds Davidson County to those counties authorized to condemn blighted and deteriorated property for redevelopment; present law applies to Loudon, Henry, Roane, Bradley, Madison, Hamilton, Knox, and Shelby. Amends TCA Section 13-21-208. by \*Langster, \*West, \*Pruitt. (\*SB292 by \*Haynes)

On motion, House Bill No. 1638 was made to conform with **Senate Bill No. 292**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1719** -- Election Laws - Revises procedure for removing and restoring right to vote where voter moves without notifying county; process for transfer of voter registration; periods voters may register; grounds for challenging voter. Amends TCA Sections 2-2-106; 2-2-109; 2-2-129; 2-2-130; 2-6-109; 2-6-112; 2-7-112; 2-7-115 and 2-7-124. by \*Hargrove. (\*SB1772 by \*Rochelle)

**House Bill No. 1990** -- Ashland City - Subject to local approval, enacts "Ashland City Municipal Adequate Facilities Tax.". by \*Williams (Williamson). (SB1998 by \*Kurita)

On motion, House Bill No. 1990 was made to conform with **Senate Bill No. 1998**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1991** -- Kingston Springs - Subject to local approval, enacts "Kingston Springs Municipal Adequate Facilities Tax.". by \*Williams (Williamson). (SB1996 by \*Kurita)

On motion, House Bill No. 1991 was made to conform with **Senate Bill No. 1996**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1992** -- Pegram - Subject to local approval, enacts "Pegram Municipal Adequate Facilities Tax.". by \*Williams (Williamson). (SB1997 by \*Kurita)

On motion, House Bill No. 1992 was made to conform with **Senate Bill No. 1997**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1993** -- Weakley County - Subject to local approval, increases litigation tax on criminal cases from \$1.00 to \$2.00 per case; permits use of such funds for jail and courthouse as well as library Amends Chapter 175 of the Private Acts of 1978. by \*Maddox. (SB2003 by \*Herron)

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**House Bill No. 1994** -- Manchester - Subject to local approval, revises charter. Amends Chapter 273 of the Private Acts of 1959, as amended. by \*Lewis. (SB2001 by \*Burks)

On motion, House Bill No. 1994 was made to conform with **Senate Bill No. 2001**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 76** -- Memorials, Retirement - Dr. Ken Story. by \*Scroggs.

**\*House Joint Resolution No. 61** -- General Assembly, Studies - Continues and extends reporting deadline for department of economic and community development study (HJR 50 of the 99th General Assembly) relative to businesses owned by women in Tennessee for one year until October 1, 1998. by \*Halteman Harwell.

**House Joint Resolution No. 132** -- Memorials, Recognition and Thanks - March for Jesus. by \*Boner, \*Garrett, \*Pruitt, \*Langster, \*Robinson, \*West, \*Odom, \*Arriola, \*Jones, S., \*Halteman Harwell.

**\*House Joint Resolution No. 147** -- Highway Signs - "M.M. Bullard Memorial Highway," segment of U.S. 25-70, Cocke County. by \*Davis R.

**\*House Joint Resolution No. 192** -- Highway Signs - "Major Charles L. McGaha Memorial Highway," portion of Highway 321. by \*Davis R.

**\*House Joint Resolution No. 217** -- Memorials, Congress - Urges stable and adequate funding of U.S. Department of Energy's Environmental Management Program for Oak Ridge Reservation. by \*Cross.

**House Joint Resolution No. 278** -- Memorials, Retirement - Robert L. Wilkinson, Mayor of Portland. by \*McDonald.

**\*Senate Joint Resolution No. 124** -- Memorials, Government Officials - Urges Tennessee Wildlife Resources Agency to honor 1986 commitment to permit hunters of Reelfoot Lake to hunt from registered blinds for rest of their lives. by \*Herron.

**\*Senate Joint Resolution No. 169** -- General Assembly, Confirmation of Appointment - Beverly Wheeler Johnson, wildlife resources commission. by \*Cooper.

**Senate Joint Resolution No. 225** -- Memorials, Death - Attorney General David M. Pack. by \*Henry, \*Haynes, \*Cohen, \*Atchley, \*Koella, \*Rochelle, \*Herron, \*Davis L, \*Harper.

**Senate Joint Resolution No. 227** -- Memorials, Professional Achievement - Roger Crouch, Payload Specialist, Space Shuttle Columbia. by \*Davis L, \*Burks.

**Senate Joint Resolution No. 228** -- Memorials, Sports - Eric Bachelor, Martin Westview boys' basketball player. by \*Herron.



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**Senate Joint Resolution No. 229** -- Memorials, Sports - 1996-1997 Sharon High School boys' basketball team, TSSAA Class A state tournament participant. by \*Herron.

**Senate Joint Resolution No. 235** -- Memorials, Public Service - Members of Uniform Probate Code study committee. by \*Kyle, \*Fowler.

**Senate Joint Resolution No. 237** -- Memorials, Personal Occasion - Ruth Greenwood, ninetieth birthday. by \*Rochelle.

**Senate Joint Resolution No. 238** -- Memorials, Death - Dr. Shelby Turner and Flossie Turner. by \*Davis L.

**Senate Joint Resolution No. 239** -- Memorials, Interns - Brandon Bradshaw Cate. by \*Person.

**Senate Joint Resolution No. 240** -- Memorials, Professional Achievement - Frank Bluestein, Germantown High School, American Teacher Award in Performing Arts. by \*Person, \*Leatherwood.

**Senate Joint Resolution No. 247** -- Memorials, Academic Achievement - Cheryl Lynne Cathey, Valedictorian, Ezell Harding. by \*Rochelle.

**Senate Joint Resolution No. 248** -- Memorials, Academic Achievement - Roy Bennett Osborne III, Salutatorian, Ezell Harding School. by \*Rochelle.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1015:** by Rep. Stamps

**House Bill No. 1362:** by Rep. Eckles

**House Bill No. 1470:** by Rep. Stamps

**House Bill No. 1633:** by Rep. Stamps

**House Bill No. 1719:** by Rep. Stamps

Under the rules, House Bill No: 1015, 1362, 1470, 1633 and 1719 was/were placed at the foot of the calendar for Wednesday, May 14, 1997.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes.....97  
Noes ..... 0  
Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Pinion -- 1.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1193** -- General Assembly - Creates commission to recommend appropriate compensation for members of general assembly Amends TCA Title 3, Chapter 1. by \*Kerr. (\*SB1277 by \*Koella)

Further consideration of House Bill No. 1193, previously considered on April 28, 1997, and reset to today's Calendar.

Rep. Kerr moved that House Bill No(s). 1193 be reset for the Regular Calendar on Monday, May 26, 1997, which motion prevailed.

**\*House Bill No. 381** -- Foster Care - Enacts "Foster Parent Rights Act." Amends TCA Title 37, Chapter 2, Part 4. by \*Hargrove, \*Dunn, \*Bowers. (SB1311 by \*Burks, \*Crowe)

Rep. Hargrove moved that House Bill No. 381 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 381 by deleting all language after the enacting clause and by substituting instead the following:

WHEREAS foster parents provide a critical service to the State of Tennessee, caring for thousands of foster children every year; and

WHEREAS foster parents allow the State of Tennessee substantial financial savings each year through providing care to children at extremely low cost to the state; and

WHEREAS foster parents provide loving homes enabling children to endure the hardship associated with separation from family; and

WHEREAS offering the services of ones family as foster care providers involves tremendous sacrifice and selflessness; and

WHEREAS there is a need for statewide uniformity in the effective application of foster care in Tennessee; now, therefore;

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

SECTION 1. The title of this act is, and may be cited as the "Foster Parent Rights Act".

SECTION 2. To the extent not otherwise prohibited by state or federal statute, the department shall, through promulgation of rules in accordance with Tennessee Code Annotated, Title 4, Chapter 5, implement each of the following tenets. With respect to the placement of any foster child with a foster parent pursuant to Title 37, Chapter 2, Part 4:

(1) The department shall treat the foster parent(s) with dignity, respect, trust and consideration as a primary provider of foster care and a member of the professional team caring for foster children.

(2) The department shall provide the foster parent(s) with a clear explanation and understanding of the role of the department and the role of the members of the child's birth family in a child's foster care.

(3) The foster parent(s) shall be permitted to continue his/her own family values and routines.

(4) The foster parent(s) shall be provided training and support for the purpose of improving skills in providing daily care and meeting the special needs of the child in foster care.

(5) Prior to the placement of a child in foster care, The department shall inform the foster parent(s) of issues relative to the child that may jeopardize the health and safety of the

foster family or alter the manner in which foster care should be administered.

(6) The department shall provide a means by which the foster parent(s) can contact the department twenty four (24) hours a day, seven (7) days a week for the purpose of receiving departmental assistance.

(7) The department shall provide the foster parent(s) timely, adequate financial reimbursement for the quality and knowledgeable care of a child in foster care, as specified in the plan; provided, however, the amount of such financial reimbursement shall, each year, be subject to and restricted by the level of funding specifically allocated for such purpose by the provisions of the general appropriations act.

(8) The department shall provide clear, written explanation of the plan concerning the placement of a child in the foster parent's home. For emergency placements where time does not allow prior preparation of such explanation, the department shall provide such explanation as it becomes available. This explanation shall include, but is not limited to, all information regarding the child's contact with such child's birth family and cultural heritage, if so outlined.

(9) Prior to placement, the department shall allow the foster parent(s) to review written information concerning the child and allow the foster parent(s) to assist in determining if such child would be a proper placement for the prospective foster family. For emergency placements where time does not allow prior review of such information, the department shall provide information as it becomes available.

(10) The department shall permit the foster parent(s) to refuse placement within their home, or to request the removal of a child from his or her home for good reason, without threat of reprisal, unless otherwise stipulated by contract or policy.

(11) The department shall inform the foster parent(s) of scheduled meetings and staffing, concerning the foster child, and the foster parent(s) shall be permitted to actively participate in the case planning and decision making process regarding the child in foster care, including individual service planning meetings, foster care reviews, and individual educational planning meetings.

(12) The department shall inform a foster parent(s) of decisions made by the courts or the child welfare agency concerning the child.

(13) The department shall solicit the input of a foster parent(s) concerning the plan of services for the child; this input shall be considered in the department's ongoing development of the plan.

(14) The department shall permit the foster parent(s) to communicate with professionals who work with the foster child, including any therapists, physicians and teachers that work directly with the child.

(15) The department shall provide all information regarding the child and the child's family background and health history, in a timely manner to the foster parent(s). The foster parent(s) shall receive additional or necessary information, that is relevant to the care of the child, on an ongoing basis.

(16) The department shall provide timely, written notification of changes in the case plan or termination of the placement and the reasons for the changes or termination of placement to the foster parent(s).

(17) The department shall notify the foster parent(s), in a complete manner, of all court hearings. This notification shall include, but is not limited to, notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case. Such notification shall be made upon the department's receiving of this information, or at the same time that notification is issued to birth parents. The foster parent(s) shall be permitted to attend such hearings.

(18) The department shall provide, upon request by the foster parent(s), information regarding the child's progress after a child leaves foster care. Information provided pursuant to this subsection shall only be provided from information already in possession of the department at the time of the request.

(19) The department shall provide the foster parent(s) the services of an advocate for support and information concerning a better understanding of the rights and responsibilities of the foster parent(s).

(20) The department shall consider the foster parent(s) as the possible first choice permanent parents for the child, who after being in the foster parent's home for twelve (12) months, becomes free for adoption or permanent foster care.

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(21) The department shall consider the former foster family as a placement option when a foster child who was formerly placed with the foster parent(s) is to be re-entered into foster care.

(22) The department shall permit the foster parent(s) a period of respite, free from placement of foster children in said family's home with follow-up contacts by the agency occurring a minimum of every two (2) months. The foster parent(s) shall provide reasonable notice, to be determined in the promulgation of rules, to the department for respite.

(23) Child abuse/neglect investigations involving the foster parent(s) shall be investigated pursuant to the department's Child Protective Services policy and procedures. A Child Protective Services Case Manager from another area shall be assigned investigative responsibility. Removal of a foster child will be conducted pursuant to Tennessee Code Annotated and departmental policy and procedures. The department shall permit an individual selected by the membership of the Tennessee Foster Care Association to be educated concerning the procedures relevant to investigations of alleged abuse and neglect by the department and the rights of the accused foster parent(s). Upon receiving such training, such individual shall be permitted to serve as advocate for the accused foster parent(s). Such advocate shall be permitted to be present at all portions of investigations where the accused foster parent(s) are present, and all communication received by such advocate therein shall be strictly confidential. Nothing contained within this item shall be construed to abrogate the provisions of Tennessee Code Annotated, Title 37, Chapter 1, regarding procedures for investigations of child abuse and neglect and child sexual abuse by the department of children's services.

(24) The department shall provide the foster parent(s) copies of all information relative to their family and services the foster parent(s) contained in the personal foster home record upon request.

(25) The department shall advise the foster parent(s) of the grievance process through publication in departmental policy manuals and the Foster Parent Handbook. The foster parent(s) may file grievances in response to any violations of the preceding tenets.

SECTION 3. In promulgation of rules pursuant to Section 2, the department shall provide forty-five (45) days written notification of public hearings, held pursuant to Tennessee Code Annotated, Title 4, Chapter 5,

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to the President of the Tennessee Foster Care Association and his or her designee.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 381**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

**House Joint Resolution No. 219** -- Naming and Designating - "State Employee Week," June 15-21, 1997. by "Hargrove.

Rep. Hargrove moved that House Joint Resolution No. 219 be adopted.

Rep. Hargrove, moved that **House Joint Resolution No. 219** be adopted and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes.....	99
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel,

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McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 273** -- Guardianship - Clarifies method and standards to be employed by courts in assessing payment of expenses by fiduciaries in guardianship matters. Amends TCA Section 34-11-113. by \*Buck. (SB567 by \*Gilbert)

Rep. Buck moved that House Bill No. 273 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 273 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 34-11-113, is amended by inserting the following new subsections immediately after subsection (a) and renumbering the existing subsection accordingly:

(b) Upon approval by the court, either prior to or after payment, the fiduciary may also pay such other reasonable amounts from the property of the minor or disabled person that are incurred by the fiduciary in good faith on behalf of the minor or disabled person, and are intended to benefit or protect the minor or disabled person or his or her property, whether or not an actual benefit or protection is ultimately in fact attained. Such payments may be approved by the court even if they are made to the guardian or personally benefit the guardian so long as the expenditure is used to change the physical surroundings of the minor or disabled person in a manner intended to allow the guardian to provide better care for the minor or disabled person.

(c) All other expenses, including those that do not comply with the requirements of subsection (b), may be approved by the court, either prior to or after payment, upon a determination that they are reasonable and (i) that they protected or benefited the minor or disabled person or his or her property or (ii) that their payment is in the best interest of the minor or disabled person.



(d) For purposes of subsection (a), attorneys' fees shall include fees for preparing attorney fee applications and other related filings that are required to be submitted to the court including petitions to secure approval or reimbursement for any expenses paid by the fiduciary which are authorized or required to be approved by the court under this section, provided that the amount of such fees are determined by the court to be reasonable in view of the services rendered.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all appropriate expenditures incurred for the benefit of a minor or disabled person relative to guardianships created before, on or after such effective date.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 273**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1660** -- Custody and Support - Establishes procedure for grandparents to establish visitation rights with grandchildren Amends TCA Title 36, Chapter 6, Part 3. by \*Patton, \*Boyer, \*Bowers, \*Hood, \*Halteman Harwell, \*Boner, \*Ford S, \*Boyer, \*Bowers. (\*SB1065 by \*Haynes, \*Henry)

Rep. Patton moved that House Bill No. 1660 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1660 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-302, is amended by deleting subsections (a) and (b) in their entirety.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 6, Part 3, is amended by adding the following new sections:

**Section 36-6-305.** (a) If:

- (1) Either the father or mother of an unmarried minor child is deceased;
- (2) The child's father and mother are divorced or legally separated,
- (3) The child's father or mother has been missing for not less than six (6) months; or
- (4) The court of another state has ordered grandparent visitation;

then, the parents of such deceased person or the parents of either of such divorced or separated persons or the parents of the missing person may be granted reasonable visitation rights to the child during its minority by a court of competent jurisdiction upon a finding that such visitation rights are in the best interests of the minor child, based on the factors in §36-6-306(d)(2).

(b)(1) If a relative or stepparent adopts a child, the provisions of §36-6-306 apply.

(2) If a person other than a relative or a stepparent adopts a child, any visitation rights granted pursuant to this section before the adoption of the child shall automatically end upon such adoption.

**Section 36-6-306.** (a) If a relative or a stepparent adopts a child, the general assembly finds that it is sound public policy to provide children with the stability and continuity of meaningful relationships in their lives. If grandparents have had a sufficient existing relationship with a child, a loss of that relationship would be a severe emotional and psychological blow to the child, and such a loss creates a rebuttable presumption of substantial danger to the welfare of the child.

(b) A grandparent whose child is the absent biological parent may petition the court for reasonable visitation rights if a sufficient relationship exists between the grandparent and the child.

(c) A grandparent shall be deemed to have a sufficient existing relationship with a grandchild if:

(1) The child has resided with the grandparent for at least six (6) consecutive months during the two (2) years preceding the filing of the petition for visitation rights and neither of the child's parents were living in the same household;

(2) The child and his or her parents have resided with the grandparents for not less than one (1) year ending within the year preceding the filing of the petition for visitation rights;

(3) The grandparent has been a full-time caretaker of the child for a period of not less than six (6) consecutive months in the two (2) years preceding the filing of the petition for visitation rights; or

(4) The grandparent has had frequent visitation with the child who is the subject of the suit for a period of not less than one (1) year during the two (2) years preceding the filing of the petition for visitation rights.

(d)(1) In a hearing concerning a petition by a grandparent for reasonable rights of visitation, the court shall make the following findings of fact:

(A) The grandparent has a sufficient existing relationship as defined in subsection (c); and

(B) The visitation is in the best interests of the child.

(2) In determining the best interests of the child under this section, the court shall consider a number of factors, including but not limited to the following:

(A) The length and quality of the prior relationship between the grandparent and the child;

(B) The existing emotional ties of the child to the grandparent;

(C) The preference of the child if the child is determined to be of sufficient maturity to express a preference;

(D) The effect of hostility between the grandparent and the parent on the child manifested before the child, and the willingness of the grandparent, except in case of abuse, to encourage a close relationship between the child and the parent(s) or guardian(s) of the child;

(E) The good faith of the grandparent in filing the petition;

(F) If the parents are divorced or separated, the time-sharing arrangement that exists between the parents with respect to the child; and

(G) If one (1) parent is deceased or missing, the fact that the grandparents requesting visitation are the parents of the deceased or missing person.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect June 1, 1997, the public welfare requiring it, and shall apply to any petition for visitation rights filed on or after such date.

On motion, Amendment No. 1 was adopted.

Rep. Patton moved that **House Bill No. 1660**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 654** -- Day Care - Requires casual child care, including Mothers-day-out, facility to advise parents at time child initially registered that facility not licensed by state and to obtain parents' signature indicating they understand this fact; form to contain statement printed in size not less than 16 point type. Amends TCA Section 71-3-527. by \*Sargent, \*Westmoreland. (SB1275 by \*Jordan, \*Crowe)

Rep. Sargent moved that House Bill No. 654 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 654 by deleting the amendatory language of Section 3 in its entirety, and by substituting instead the following language:

When a parent, custodian or guardian initially registers a child with exempt programs under subsections (a) and (c) which are required to post a sign pursuant to this subsection, the parent, custodian or guardian shall sign a form indicating that the parent, custodian or guardian has been advised and understands that the program is not licensed and is not required to be licensed by the state of Tennessee as a child-caring agency. The same language which is required to be placed on the sign shall be printed on such form at least in 16 point type with a signature line for the parent, custodian or guardian immediately following such language. The signed form shall be maintained with the records required to be kept as provided in subsection (c).

On motion, Amendment No. 1 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Sargent moved that **House Bill No. 654**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner

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(Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 1275** -- Criminal Offenses - Creates Class E felony offense for wearing bullet-proof vest while committing felony involving violence, burglary, or any felony or misdemeanor involving controlled substance. Amends TCA Title 39, Chapter 17, Part 13. by \*Jones, S., \*Pruitt, \*Langster, \*Odom, \*Garrett, \*Boner, \*Robinson, \*West, \*Huskey, \*Kent, \*Ridgeway. (\*SB315 by \*Herron, \*Harper)

On motion, House Bill No. 1275 was made to conform with **Senate Bill No. 315**; the Senate Bill was substituted for the House Bill.

Rep. S. Jones moved that Senate Bill No. 315 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 315 by deleting from the amendatory language of Section 1(a)(3) the words "or misdemeanor".

FURTHER AMEND by inserting the following words in the amendatory language of Section 1(a)(2) immediately after the word "burglary":

or arson

FURTHER AMEND by inserting the following words and punctuation in the amendatory language of Section 1(a)(2) immediately after the word "burglary":

, carjacking,

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 315 by adding the following new subsection to Section 1:

(e) Any sentence imposed under this act shall run consecutively to any other sentence imposed for the conviction of the underlying offense.

On motion, Amendment No. 2 was adopted.

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Rep. S. Jones moved that **Senate Bill No. 315**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99  
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 150** -- Cemeteries - Increases from ten to 20 days period of time in which notice of revocation of temporary cemetery permits must be given Amends TCA Title 46. by \*Odom. (SB970 by \*Ford J)

Rep. Odom moved that House Bill No. 150 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 150 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 46-2-202(a), is amended by deleting the word "quarterly" and by substituting instead the word "annual" and by deleting the phrase "forty-five (45) days" and by substituting instead the phrase "seventy-five (75) days".

Section 2. Tennessee Code Annotated, Section 46-2-203, Section 46-2-204(b) and Section 46-2-205(a) are amended by deleting the word "quarterly" where it appears and by substituting instead the word "annual".

Section 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Rep. Odom moved that **House Bill No. 150**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 449** -- Motor Vehicles, Titling and Registration - Authorizes county clerks to provide county name strip to county residents purchasing vehicle out of county of residence. Amends TCA Title 55. by \*Odom. (SB1073 by \*Haynes)

On motion, House Bill No. 449 was made to conform with **Senate Bill No.1073**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 1073 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 1073** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker,



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Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1480** -- Taxes, Real Property - Authorizes any person or entity, or agent, responsible for payment of property taxes to file complaints, appeals, and protests with respect to any property assessment or tax issues involving property taxes. Amends TCA Title 67, Chapter 5. by \*Cross, \*Kent, \*Hassell, \*Miller L, \*Towns, \*Turner (Shelby), \*Jones U (Shelby), \*Brooks. (\*SB646 by \*Person)

Rep. U. Jones moved that House Bill No. 1480 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1480 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 67-5-1407(a)(1), is amended by deleting the language "owner of property" and substituting instead the new language "owner of property or taxpayer".

SECTION 2. Tennessee Code Annotated, Section 67-5-1407(a)(1) is amended by deleting the language "executed by the owner" and substituting instead the new language "executed by the owner or taxpayer".

SECTION 3. Tennessee Code Annotated, Section 67-5-1407(a)(1)(A) through 67-5-1407(a)(1)(C), is amended by deleting in each and every instance the word "owned" and substituting instead the new language "under appeal or protest".

SECTION 4. Tennessee Code Annotated, Section 67-5-1412, is amended by adding the following appropriately designated new subsection:

( ) "Taxpayer" as used in this part, or part 15, means the owner of the property under appeal or any lessee legally obligated to pay ad valorem taxes for which the property is liable. A lessee obligated to pay some but not all of the taxes for which the property is liable, may appeal the assessment only if the owner consents to the appeal in writing. A property manager may authorize an agent to represent the taxpayer in an appeal if the taxpayer has authorized the manager in writing to engage the services of an agent for this purpose.

SECTION 5. Tennessee Code Annotated, Section 67-5-1412, is amended by adding the following new sentence to the end of subsection (a):

At any conference or hearing pursuant to part 15, and in the event there may be duplicate appeals filed on any parcel or should the state board of equalization have reason to believe that representation is not duly authorized, the board may require from any agent, or other representative, written authorization signed by the taxpayer.

SECTION 6. Tennessee Code Annotated, Section 67-5-1514(b), is amended by deleting in its entirety the last sentence of the subsection.

SECTION 7. Tennessee Code Annotated, Section 67-5-1407(e)(2), is amended by adding the following new sentence to the end of the subdivision:

It is the legislative intent that this subsection shall operate as an exception to §67-5-1407(a)(1).

SECTION 8. Tennessee Code Annotated, Section 67-5-1407(e), is amended by adding the following appropriately designated new subdivision:

( ) In the event there may be duplicate appeals filed on any parcel or should the board have reason to believe that representation is not duly authorized, the board may require from any agent, or other representative, written authorization signed by the taxpayer.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved that **House Bill No. 1480**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	1
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

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Representatives voting no were: Haley -- 1.

Representatives present and not voting were: Hargrove, Westmoreland -- 2.

A motion to reconsider was tabled.

**House Bill No. 1128** -- Telecommunications - Requires companies providing cellular phone service to notify consumers at least 15 days before expiration of contract. Amends TCA Title 47, Chapter 18, Title 65, Chapters 4 and 5 and Title 67. by \*Bowers, \*DeBerry J. (\*SB698 by \*Rochelle, \*Dixon)

Rep. Bowers moved that House Bill No. 1128 be passed on third and final consideration.

Rep. Bowers requested that Amendment No. 1 be moved to the heel of the Amendments.

Rep. Rhinehart requested that Commerce Amendment No. 2 be moved to the heel of the Amendments.

Rep. Bowers moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1128 by deleting the language after the enacting clause in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 65-4-101(a)(2), is amended by adding the following language at the end thereof:

provided, however, that to the extent that any municipality, county, metropolitan government, department, board, or other entity of local government acquires, constructs, owns, improves, operates, leases, maintains, sells, mortgages, pledges, or otherwise disposes of any system, plant or equipment for the provision of telephone, telegraph telecommunications services, or any other like system, plant, or equipment, other than through its electric plant as provided by Tennessee Code Annotated, Title 7 Chapter 52, shall be subject to regulation by the Tennessee Regulatory Authority in the same manner and to the same extent as other certificated providers of telecommunications service, including without limitation rules or orders governing anti-competitive practices, and shall be considered as and have the duties of a public utility, as defined in Section 65-4-101, but only to the extent necessary to effect such regulation. Nothing in this subdivision or Sections 2, 3, 4, and 5, of this act shall be construed as authorizing any entity to act pursuant to such provisions unless such entity is otherwise authorized by law to provide telecommunications services;

SECTION 2. Tennessee Code Annotated, Title 65, Chapter 5, is amended by adding the following as new sections:

Section 65-5-\_\_\_\_. To the extent that it provides any of the services set forth in Section 1 of this act other than through its electric plant as provided by Tennessee Code Annotated, Title 7, Chapter 52, a municipality, county, metropolitan government, department, board, or other entity of local government shall not provide subsidies for such services.

Section 65-5-\_\_\_\_. To the extent that it provides any of the services set forth in Section 1 of this act other than through its electric plant as provided by Tennessee Code Annotated, Title 7 Chapter 52, a municipality, county, metropolitan government, department, board, or other entity of local government shall have all the powers, obligations, and authority granted entities providing telecommunications services under applicable laws of the United States or the state of Tennessee and shall comply with all applicable state and federal laws, rules and regulations.

Section 65-5-\_\_\_\_. To the extent that it provides any of the services set forth in Section 1 of this act other than through its electric plant as provided by Tennessee Code Annotated, Title 7 Chapter 52, a municipality, county, metropolitan government, department, board, or other entity of local government shall, for regulatory purposes, allocate to the costs of such services an amount equal to a reasonable determination of the state, local, and federal taxes which would be required to be paid for each fiscal year by a non-government corporation that provides the identical services.

Section 65-5-\_\_\_\_. To the extent that it provides any of the services set forth in Section 1 of this act other than through its electric plant as provided by Tennessee Code Annotated, Title 7 Chapter 52, a municipality, county, metropolitan government, department, board, or other entity of local government shall, for regulatory purposes, allocate to the costs of such services:

(a) an amount for attachments to poles owned by it or the entity of local government of which it is a subdivision equal to the highest rate charged by it or the entity of local government of which it is a subdivision to any other person or entity for comparable pole attachments, and

(b) any applicable rights-of-way fees, rentals, charges, or payments required by state or local law of a non-governmental corporation that provides the identical services.

SECTION 3. A municipality, county, metropolitan government, department, board, or other entity of local government shall not provide any of the services set forth in Section 1 of this act within the services area of an existing telephone cooperative with fewer than one hundred thousand (100,000) total lines organized and operating under the provisions of Tennessee Code Annotated, Title 65, Chapter 29, and therefore shall adhere to those provisions of the 1995 Tennessee Telecommunications Act, which is Public Chapter 408 of the Acts of 1995, and Rules of the Tennessee Regulatory Authority, which are applicable to the telephone cooperatives, and specifically Tennessee Code Annotated, Sections 65-4-101 and 65-29-130.

SECTION 4. Nothing in this act shall be construed to allow a municipality, county, metropolitan government, department, board, or other entity of local government to provide any service for which a license, certification, or registration is required under Tennessee Code Annotated, Title 62, Chapter 32, Part 3.

SECTION 5. This act supersedes any conflicting provisions of general law, private act, charter or metropolitan charter provisions.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Bowers moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

Rep. Bowers moved that **House Bill No. 1128**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips,

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Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1964** -- Food and Food Products - Enacts "Foreign Foods Disclosure Act of 1997.". by \*Cole (Dyer), \*Rinks, \*Phelan, \*Fitzhugh, \*Garrett, \*McDaniel, \*McKee, \*Walley, \*Pinion, \*Maddox, \*Naifeh, \*Hargrove, \*Westmoreland, \*Kisber, \*Gunnels, \*Givens. (\*SB1973 by \*Herron)

Rep. Cole (Dyer) moved that House Bill No. 1964 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1964 by deleting from Section 5 the language "a court of competent jurisdiction" and by substituting instead the language "the chancery court of Davidson County".

AND FURTHER AMEND by deleting the period at the end of Section 5 and by substituting instead, the language ", without the necessity of posting a bond."

AND FURTHER AMEND by deleting from the first sentence of Section 6 the language "may impose" and by substituting instead, the language "may seek and the court may impose".

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1964 by adding the following new section to be appropriately designated:

SECTION \_\_\_\_\_. Nothing in this bill shall alter or amend the applicability to a wholesale or retail grocer of 19 U.S.C. §1304 and any regulations promulgated thereunder.

AND FURTHER AMEND by adding to the end of Section 2(b) the following language:

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The term "manufacturer" shall not include wholesalers that repack fresh produce into smaller containers for sale to retail stores or retailers that repack fresh produce into tray-ready packs for sale to consumers.

On motion, Amendment No. 2 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1964 by deleting the amendatory language of Section 9 and by substituting instead the following:

The provisions of this part shall be construed in accordance with 19 U.S.C §1304 and the regulations promulgated and rulings and decision made thereunder.

On motion, Amendment No. 3 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 1964 by deleting Section 7(a) in its entirety and by substituting instead the following:

(a) Any person who manufactures, assembles or packages articles containing food who has suffered or will suffer an ascertainable loss as a result of a violation of this act may commence a civil action against any manufacturer who is alleged to have violated or to be in violation of the provisions of this act.

On motion, Amendment No. 4 was adopted.

Rep. Cole (Dyer) moved that **House Bill No. 1964**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands,

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Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 986** -- Banks and Financial Institutions - Increases fee from \$50.00 to \$100 for filing change of name or location of home or branch office of savings and loan association. Amends TCA Title 45, by \*Burchett. (\*SB1349 by \*Cooper)

Rep. Burchett moved that House Bill No(s). 986 be reset for the Regular Calendar on Monday, May 19, 1997, which motion prevailed.

**\*House Bill No. 629** -- Private Protective Services - Revises possible fines for violations of private protective laws from \$5,000 to \$2,000; requires training to be conducted within 60 rather than 30 days of hire; authorizes unarmed security guards to carry mace. Amends TCA Title 62, Chapter 35, Part 1, by \*Garrett. (SB1405 by \*Henry)

Further consideration of House Bill No. 629, previously considered on May 8, 1997, and reset to today's Calendar.

On motion, House Bill No. 629 was made to conform with **Senate Bill No. 1405**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 1405, be passed on third and final consideration.

Rep. Garrett moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1405 by deleting Section 4 of the printed bill in its entirety and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 62-35-125, is amended by deleting the words and punctuation "chemical sprays," and by substituting instead the words and punctuation "the chemical spray known as 'Mace',".

On motion, Amendment No. 1 was adopted.

Rep. Garrett moved that Senate Bill No(s). 1405 be reset for the Regular Calendar on Thursday, May 22, 1997, which motion prevailed.



MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 187** -- Sunset Laws - State soil conservation committee, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 14. by \*Kernell, \*Garrett, \*Brooks. (SB90 by \*Springer)

**Senate Amendment No. 1**

AMEND House Bill No. 187 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-220(a), is amended by adding a new item thereto, as follows:

( ) State soil conservation committee, created by Section 43-14-203;

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 187**, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 1052** -- Domestic Violence - Permits court ordered mediation where order of protection in effect or where allegation of domestic violence but order of protection not in effect if victim requests mediation, mediator is certified and advocate for victim may be present Amends TCA Title 36. by \*McMillan, \*Eckles, \*Chumney, \*Turner (Hamilton), \*Pleasant, \*Haley, \*Hargett, \*Patton, \*Ford S, \*Jackson. (\*SB793 by \*Burks, \*Cohen, \*Davis L, \*Dixon, \*Crowe, \*Harper)

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Rep. McMillan moved that House Bill No(s). 1052 be reset for the Message Calendar on Wednesday, May 14, 1997, which motion prevailed.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

on motion of Rep. Hargrove, and second by Rep. McDaniel, the following rules were suspended for the Department of Safety subcommittee of the House Transportation Committee:

**Rule No. 49:** the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar.

**Rule 80(1):** so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week.

**Rule 80(1):** so that all bills reported out of committee can be heard on the next full committee calendar without waiting a week.

**MESSAGE FROM THE SENATE**

**May 12, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 131; substituted for Senate Bill(s) on the same subject(s), amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 14, 1997:

**House Joint Resolution No. 131:** by Rep. Williams

**House Bill No. 1495:** by Rep. Armstrong

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 15, 1997:

**House Bill No. 1025:** by Rep. Buck

**ANNOUNCEMENTS**

**REPORT FILED**

The Clerk announced that the Report of the Select Committee created by House Resolution No. 68 of the ninety-ninth General Assembly and the Task Force to study issues pertaining to Women Business Owners authorized by HJR 50 of the 99th General Assembly has been submitted and is on file with the Clerk's Office.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 63:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 347:** Rep(s). Fitzhugh, Pinion, Phelan, Cole (Dyer), Rinks and Davidson as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Hargett, Haley and Pleasant was/were removed as sponsor(s) of **House Bill No. 1510**.

**MESSAGE FROM THE SENATE**

**May 12, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 267, 368, 494, 849, 1208, 1524, 1531, 1848, 1982, 1987 and 1989; also, House Joint Resolution(s) No(s). 22, 77, 221, 223, 228, 232, 233, 234, 235, 237 and 239; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 12, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 16, 165, 279, 329, 340, 421, 433, 509, 525, 566, 606, 688, 834, 1059, 1340, 1530, 1565 and 1649; also, Senate Joint Resolution(s) No(s). 206, 213, 215, 218, 220 and 221 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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**ENROLLED BILLS**

**May 12, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1056.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 12, 1997**

The Speaker signed the following: House Bill(s) No(s). 1056.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 12, 1997**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 267, 368, 494, 849, 1208, 1524, 1531, 1848, 1982, 1987 and 1989; also, House Joint Resolution(s) No(s). 22, 77, 221, 223, 228, 232, 233, 234, 235, 237 and 239.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 12, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 132.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 12, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1075; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 12, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 215; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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**MESSAGE FROM THE SENATE**

**May 12, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1218; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 12, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1964.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 12, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 258, 953, 1107, 1904 and 1964; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, May 14, 1997.